

## ***REMARKS***

By the above Amendment, Claims 7, 9, 13, 15, 25, 27, 31 and 33 have been amended.

Claims 1-21, 23-33 and 35-53 are pending in this application, of which Claims 46-53 are withdrawn from consideration.

### ***Allowed/Allowable Claims***

Applicants note with appreciation the allowance of Claims 35-38, and the examiner's indication that Claims 9-18, 25-30, 41 and 42 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the above Amendment, these claims have been amended for allowance.

The allowability as to Claims 9-12 was first indicated in the Office Action dated June 26, 2002, at which time the base claim from which Claims 9-12 depended was Claim 1 as originally filed (i.e. prior to subsequent amendment of Claim 1). Therefore, allowable Claim 9 has been rewritten in independent form including all of the limitations of Claim 1 as originally filed and including the limitations of intervening Claims 2 and 3. Allowable Claims 10-12 remain allowable as depending from Claim 9 rewritten in independent form.

Allowable Claim 13 has been rewritten in independent form, including all of the limitations of its base Claim 1 as presently appearing in this application (i.e., as amended during prosecution thereof). Allowable Claims 14 and 41 remain allowable as depending from Claim 13 rewritten in independent form.

Allowable Claim 15 has been rewritten in independent form, including all of the limitations of its base Claim 1 as presently appearing. Claims 16-18 remain allowable as depending from Claim 15 rewritten in independent form.

Allowable Claim 25 has been rewritten in independent form, including all of the limitations of its base Claim 19 as presently appearing. Allowable Claims 26 and 42 remain allowable as depending from Claim 25 rewritten in independent form.

Allowable Claim 27 has been rewritten in independent form, including all of the limitations of its base Claim 19 as presently appearing. Allowable Claims 28-30 remain allowable as depending from Claim 27 rewritten in independent form.

***Election/Restriction***

In response to the examiner's restriction requirement under 35 U.S.C. §121, applicants confirm the election of Claims 1-21, 23-33 and 35-45, without traverse, drawn to a lock apparatus, for examination in the present application.

Accordingly, Claims 46-53, drawn to a method of installing a door lock, are withdrawn from consideration in this application as being directed to a non-elected invention.

***Claim Rejections***

By the Office Action dated 7/3/2003, the examiner has rejected Claims 1-8, 19-21, 23, 24, 31-33, 39, 40 and 43-45. Applicants traverse these rejections and request reconsideration of this application, applicants respectfully submitting that these claims are patentable over the cited references for the reasons set forth below.

**Claims 33 and 43**

Claims 33 and 43 have been rejected under 35 U.S.C §102(b) as being anticipated by Arens (U.S. Patent 2,672,746).

Applicants' Claim 33 is drawn to a cylindrical lock apparatus for a door (preamble); by the above Amendment, Claim 33 has been amended to clarify that the claimed latchbolt is "for

latching the door" (line 3), and to recite that the angular disposition of the lever handle is a visual indicator that the latchbolt is *locked* in an unlatched position (line 10).

Arens concerns an electric switch enclosed in a switch box 12 having a door or cover 14 (column 1 line 50). Element 28 is not a latchbolt (as characterized by the examiner) for the cover but instead actuates the opening and closing of a switch (column 2 lines 1-6).

In Arens, latching or maintaining the cover or door in a closed position is not provided by the mechanism including the lever handle 32, but instead is provided by the latch 112 carried by the switch box 12 and engageable in an opening 114 of the cover (column 3 lines 44-51). The locking of the Arens lever handle 32 in its two positions indicates whether the switch is "on" or "off", and not whether the cover 14 is latched or unlatched.

Arens does not disclose a latchbolt for latching a door, a lever handle for unlatching the latchbolt, a lock in the handle for locking the lever handle in an angular disposition which is a visual indicator that the latchbolt for the door is locked in an unlatched position, as recited in applicants' amended Claim 33. Claim 43, depending from Claim 33, further recites that the lock in the handle is key actuatable for locking the lever handle in the angular disposition when the latchbolt is unlatched, a feature not shown in Arens since the Arens lever handle 32 does not operate for latching or unlatching the cover 14. Accordingly, Claims 33 and 43 are not anticipated by Arens and are patentable thereover.

Claims 33 and 43 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over Noca (2,757,033) in view of Arens.

Noca discloses a mechanism which *automatically* locks the latch in a retracted or unlatched position whenever the lever handle is rotated to its fully rotated position (column 2 lines 1-10). The automatically locked latch is unlocked to its latching position simply by turning the

lever handle in the opposite direction (column 2 lines 54-55). By the above Amendment, Claim 33 has been amended to recite that the lock in applicants' handle is for *selectively* (line 8) locking the lever handle in an angular disposition, and that such angular disposition is a visual indicator that the latchbolt is *locked* in an unlatched position. Support for such amendment is found in applicants' specification at page 23 line 7 through page 24 line 3. Applicants submit that amended Claim 33 distinguishes over Noca.

The inapplicability of Arens to applicants' Claims 33 and 43 is discussed above. Further, with respect to dependent Claim 43, the examiner has suggested that the motivation for providing a key-operated lock for use with the lever handle of Noca is to prevent unauthorized *unlatching* of the latchbolt; applicants note that the limitation in Claim 43 is to prevent unauthorized *latching* of the unlatched latchbolt.

Accordingly, applicants submit that the suggested combination of Noca and Arens does not result in the apparatus claimed in applicants' Claims 33 and 43, and that Claims 33 and 43 are patentable over Noca in view of Arens.

**Claims 1-5, 7, 8, 19-21, 23, 31, 39, 40, 44 and 45**

Claims 1-5, 7, 8, 19-21, 23, 31, 39, 40, 44 and 45 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Jones (U.S. Patent No. 4,841,754) in view of Best et al. (1,811,110) and Mullich et al. (4,489,576).

The examiner contends that the Jones lock body 17 is secured to the trim plate 37, 43, 44 *independently of the door*, and that the housing 23 is secured to the trim plate 37, 43, 44 *independently of the door*. Applicant respectfully suggests that such contentions by the examiner are not supported by the Jones disclosure, and that instead Jones shows his lock body 17, the

housing 23 and the trim plate 37, 43, 44 to be secured together *by* the door, i.e. securing together of these three components is in fact *dependent* upon the door.

Specifically, Jones discloses (at column 2 lines 29-66 and FIGs. 1-3) a lock cylinder 23 mounted on the outside face 13 of the door 12 and supported in place by a lock cylinder housing 26, the lock cylinder 23 being seated within a recess 27 in the small outer end portion of the housing 26, while the larger or base portion of the housing 26 terminates in a circular rim 28 seated within a circular groove 41 in the trim plate annular collar 37. Bolt holes 31 extend through a thumb key housing 29 having a circular base rim 30 fitting against the interior surface 14 of the door 12. "These bolt holes 31 are axially aligned with corresponding bolt holes within the deadbolt housing 17, not shown, and internally threaded sockets 32 in the lock cylinder 23, for receiving corresponding bolts 33, in order to hold the entire deadbolt lock assembly 11 in position upon the door 12" (column 2 lines 43-48). Clearly, the door is utilized for securing the lock cylinder 23, the housing 26 and the lock body 17 to the trim plate 37, 43, 44.

Accordingly, Jones is inapposite to applicant's independent Claims 1 and 19, which recite that the cylindrical lock's lock body with its spindle extending therefrom is secured to the trim plate *independently of the door*, and further that the housing of the cylindrical lock is secured to the trim plate *independently of the door*.

Neither of the disclosures of Best et al. or Mullich et al. make up for the deficiencies of Jones discussed above. Specifically, each of these secondary references utilizes the door for securing the various lock components to a trim plate. In each of the primary and two secondary references, the door is a part of the securement means between lock body and trim plate, and between lock cylinder housing and trim plate. Applicants submit that the combination of Jones, Best et al. and Mullich et al. does not result in the apparatus claimed in applicants' independent

Claims 1 and 19, and that Claim 1 (and Claims 2-5, 7, 8, 39, 40, 44 and 45 ultimately depending therefrom) and independent Claim 19 (and Claims 20, 21, 23 and 31 ultimately depending therefrom) are patentable over Jones in view of Best et al. and Mullich et al.

The examiner has analogized the lock cylinder housing 26 of Jones to applicants' attachment plate recited in applicants' dependent Claims 7 and 44. As discussed above, the element 26 is seated within circular groove 41 in the trim plate and is held to the trim plate by the interaction of the door with the bolts 31, the thumb key housing on the inside of the door, and the lock cylinder 23 and "attachment plate" 26 on the outside of the door. Accordingly, securingment of the Jones attachment plate 26 to the trim plate 37, 43, 44 is *dependent* upon the door.

Applicants' dependent Claim 7 has been amended to recite that the claimed attachment plate is secured to the trim plate *independently of the door*, and Claim 8 is dependent from amended Claim 7. Claim 43 recites that the attachment plate is secured to the trim plate *independently of the door*, and that the lock body and the cylinder lock housing are secured to the attachment plate *independently of the door*; Claim 45 is dependent from Claim 44. Claim 31 has been amended to recite that the attachment plate is secured to the door trim *independently of the door*. Accordingly, applicants submit that these limitations concerning the attachment plate recited in dependent Claims 7, 8, 44, 45 and 31 comprise further grounds of patentability of these dependent claims over Jones in view of Best et al. and Mullich et al.

#### **Claims 6 and 24**

Claims 6 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Best et al. and Mullich et al. and further in view of the photograph of a door pull manufactured by Triangle Brass Manufacturing (applicants' assignee herein).

Claims 6 and 24 ultimately depend from and contain all of the limitations of their respective base Claim 1 or 19 shown above to patentably distinguish over the combination of these references, and accordingly Claims 6 and 24 are similarly patentable thereover. Further, there is no suggestion or incentive in Jones, Best et al. or Mullich et al., or in the Triangle Brass door pull photograph, that would lead one of ordinary skill in the art to secure the pull plate of Triangle Brass to both the cylindrical lock's lock body and a cylinder lock *independently of the door* as claimed in base Claims 1 and 19. Applicants submit that Claims 6 and 24 are patentable over Jones in view of Best et al., Mullich et al. and the Triangle Brass door pull photograph.

### **Claim 32**

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Jones in view of Best et al. and Mullich et al. and further in view of Shen (5,970,760).

The disclosure of Shen does not make up for the deficiencies of Jones, Best et al. and Mullich et al., discussed above; specifically, Shen does not suggest a trim plate to which is secured both the cylindrical lock's lock body and a cylindrical lock, both securements being independently of the door as recited in base Claim 19, nor the attachment plate's securement to the door trim being independently of the door as recited in dependent Claim 31 from which Claim 32 depends. Accordingly, applicants submit that Claim 32 patentably distinguishes over Jones in view of Best et al. and Mullich et al. and further in view of Shen.

In view of the foregoing, applicants submit that rejected Claims 1-8, 19-21, 23, 24, 31-33, 39, 40, and 43-45 patentably distinguish over the references of record. Applicants respectfully request that the rejections be withdrawn and that a Notice of Allowance be issued in this application.

The enclosed check in the amount of \$270 includes the fee (\$215) to cover the independent claims added by the above Amendment as calculated in the attached Fee Determination Record, as well as the response extension fee (\$55). If the enclosed fee is deficient in any manner, please charge any such deficiency to Deposit Account No. 23-0822.

Respectfully submitted,

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FEE DETERMINATION RECORD  
CLAIMS AS AMENDED

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDIT. RATE FEE
TOTAL 51	MINUS 51	= 0	x\$9 \$0.00
INDEP. 10	MINUS 5	= 5	x\$43 \$215.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			140
			TOTAL ADDIT. FEE <u>\$215.00</u>

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